IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 6804 of 2007(I)

PETITIONER:

HUSSAIN C.K., S/O.KUNJUMOIDEEN
CHEMPAKASSERY HOUSE, KUTTOMASSERRY, ALUVA.

BY ADV. SRI.P.S.SIDHAN

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVT. SOCIAL WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
PERSONAL AND ADMINISTRATIVE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 6804 of 2007

Dated this the 16th day of March, 2007

JUDGMENT

The petitioner is a physically challenged person. He has 40% physical disability. He was first appointed temporarily in the office of the Advocate General and he joined duty on 10.5.1999.

2. The relief prayed for by the petitioner is for reappointment on regular basis in terms of Ext.P3 Government order. The request made by the petitioner for reappointment was not considered favourably on the ground that he did not complete 179 days in between 15.8.1998 and 15.8.1999. A Division Bench of this Court in the judgment in Writ Appeal No.1601/2006 has held that even in cases where a portion of the temporary service falls beyond 15.8.1999, those employees also are entitled to the benefit of Ext.P3 G.O. provided their first appointment was in between 15/8/1998 and 15.8.1999 and provided also they had completed the requisite period of

service.

3. In the light of the above Bench Decision, the petitioner is entitled to succeed. Hence the following reliefs are granted:

The first respondent, or for that matter, the competent appointment authority shall issue orders reappointing the petitioner in the post concerned or in a suitable post under the same category in terms of Ext.P3 G.O. This shall be done within two months from the date of receipt of a copy of the judgment. The writ petition is allowed as above. The petitioner shall produce a copy of the judgment before the Government for information and compliance.

K.K.DENESAN, JUDGE

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